UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.154/289
9 May 1996

ORIGINAL: ENGLISH

COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 8 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

I have the honour to request your good offices for the purpose of including the item on the question of the security of missions and the safety of their personnel in the agenda of the next meeting of the Committee on Relations with the Host Country. Consequently, I also request that Cuba be allowed to participate as an observer in that meeting.

To that end, I enclose herewith the text of the three recent notes verbales (see annexes I-III) sent by the Permanent Mission of Cuba to the United Nations to the United States Mission to the United Nations which are relevant to the above-mentioned item, and I request that the text of the present letter and its annexes be circulated as an official document of the Committee.

(Signed) Bruno RODRÍGUEZ PARRILLA

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ANNEX I

Note verbale dated 1 May 1996 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations

[Original: Spanish]

The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and wishes to inform the latter about the news item published today, 1 May 1996, by the New York newspaper Noticias del Mundo announcing that this Friday, 3 May 1996, at noon, at the intersection of 38th Street and Lexington Avenue, where the building of the Permanent Mission of Cuba is located, a plaque reading "Esquina Hermanos al Rescate" will be placed during a ceremony presided over by Rudolph Giuliani, Mayor of the City of New York, who will be joined by José Basulto, president of Hermanos al Rescate ("Brothers to the Rescue").

As far as the Permanent Mission of Cuba knows, this news has not been denied.

An act of this nature performed by the highest-ranking authority of the City of New York could not possibly be interpreted as anything but a deliberate outrage against the Republic of Cuba and against its Permanent Mission to the United Nations, as well as an implicit support to the terrorist activities of this organization, in violation of international law and the laws of the United States of America and of the Republic of Cuba, which have resulted in the regrettable loss of human lives and are still under investigation by the United States federal authorities.

Should an act take place, the security of the Permanent Mission of Cuba, the normal performance of its functions, the physical and moral integrity, security and dignity of its diplomats, the guarantee and protection of which are legal obligations of United States authorities under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, of the Vienna Convention on Diplomatic Relations and of other relevant juridical instruments, will continue to be affected.

An action of this nature will result in an escalation of security risks and the creation of conditions that will propitiate a climate of impunity for the occurrence of such acts against the Permanent Mission of Cuba and against the security and dignity of its diplomats. An act of this kind will add to the long list of activities that have been carried out and continue to be carried out against the Permanent Mission of Cuba to the United Nations by organizations and individuals who have often jeopardized the integrity of the Permanent Mission of Cuba to the United Nations, the normal performance of its functions and the security and dignity of its diplomats.

The Permanent Mission of Cuba urges the United States Mission to the United Nations to comply with the obligations assumed by its authorities as the host country of the United Nations and understands that it is its responsibility to

see to it that its local authorities perform their duties in compliance with said obligations. It therefore requests the immediate clarification of such announced action.

The Permanent Mission of Cuba, as has become customary, will continue to adopt all necessary and sufficient measures to protect the integrity and security of its facilities, the normal performance of its functions and the security and dignity of its diplomats. The consequences that may ensue from such an action, should this in fact take place, will be the sole and absolute responsibility of the authorities of the host country.

ANNEX II

Note verbale dated 3 May 1996 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations

[Original: English]

The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and wishes to refer to the acts taking place today, 3 May 1996, regarding the placement of a plaque reading "Esquina Hermanos al Rescate" at the corner of the intersection of 38th Street and Lexington Avenue, where the building of the Permanent Mission of Cuba is located.

The arrangements for the ceremony announced to take place at noon are being made right at the corner of the Permanent Mission of Cuba, less than two metres from one of the walls of the building occupied by the Cuban Mission, within the premises of the Cuban Mission and in the very security area of the Cuban Mission. The preparations for the ceremony are not only affecting the security and facilities of the Cuban Mission, but are also affecting the normal performance of its functions and the security of its personnel.

The arrangements currently taking place are causing a serious disruption of the normal movement of the diplomatic personnel and of the entire staff of the Cuban Mission. Today, as should be the case on any other occasion or on any other normal working day, all the necessary and sufficient security measures and facilities should be granted to Mission personnel for the performance of their duties by the competent authorities of the host country.

The Permanent Mission of Cuba to the United Nations also wishes to bring to the attention of the United States Mission to the United Nations that the preparations taking place within the premises and in the security area of the Cuban Mission have affected the normal movement and access to the Cuban Mission of the Permanent Representative of Cuba.

The Permanent Mission of Cuba to the United Nations considers it necessary to reiterate to the United States Mission to the United Nations that the consequences that are ensuing and which may ensue from all these actions taken in order to guarantee the performance of the ceremony authorized and organized by the New York City authorities will have, apart from the political message of a deliberate outrage against the Republic of Cuba and against its Permanent Mission, concrete legal consequences with regard to the obligations to be respected and fulfilled by the United States Mission to the United Nations in its capacity as representative of the host country and of natural guarantor of all protection and security measures to be ensured to the Permanent Mission of Cuba to the United Nations.

ANNEX III

Note verbale dated 8 May 1996 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations

[Original: Spanish]

The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and wishes to refer to the ceremony held on 3 May 1996, and presided over by Rudolph Giuliani, Mayor of the City of New York, at the intersection of Lexington Avenue and 38th Street, where the Permanent Mission of Cuba to the United Nations is located, in order to place a plaque reading "Esquina Hermanos al Rescate" ("Brothers to the Rescue Corner").

Through note verbale 394 of 1 May 1996 (see annex I), the Permanent Mission of Cuba to the United Nations informed the United States Mission to the United Nations about the news item published by the New York newspaper Noticias del Mundo on 1 May 1996, announcing the above-mentioned ceremony, and warned about all the possible consequences that might ensue from such an action.

In that note verbale, the Permanent Mission of Cuba demanded compliance by the United States Mission to the United Nations with the obligations that the United States authorities assumed as the host country of the United Nations and, with the understanding that it is the responsibility of the United States Mission to see to it that the local authorities act in accordance with those obligations, requested the United States Mission to the United Nations to provide immediate clarification on the announced ceremony.

Regrettably, in spite of the ample advance warning by the Permanent Mission of Cuba to the United Nations, the ceremony took place just as announced, within the security area of the Cuban Mission.

An act of this nature by the highest-ranking figure of the City of New York could not be interpreted as anything but a deliberate outrage against the Republic of Cuba and its Permanent Mission to the United Nations and as an implicit support to the terrorist activities of the so-called "Brothers to the Rescue" organization, which violate international law and the laws of the United States of America and of the Republic of Cuba and have resulted in the regrettable loss of human lives and are still under investigation by the United States federal authorities.

The Permanent Mission of Cuba to the United Nations strongly believes that such an act has affected and will continue to affect the security of the Permanent Mission of Cuba, the normal performance of its functions, the physical and moral integrity, safety and dignity of its diplomats, the guarantee and protection of which are legal obligations of the United States authorities under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, the Vienna Convention on Diplomatic Relations and other relevant international legal instruments.

The direct implications of an action of this nature will be an increase of the risks to security and the creation of conditions which will propitiate a climate of impunity for the occurrence of activities against the Permanent Mission of Cuba and against the security and dignity of its diplomats.

An act of this nature adds to the long list of activities that have been carried out and continue to be carried out against the Permanent Mission of Cuba to the United Nations by organizations and individuals that have often jeopardized the integrity of the Permanent Mission of Cuba, the normal performance of its functions and the security of its diplomats.

In note verbale 401 of 3 May 1996, sent to the United States Mission to the United Nations during the preparations of the above-mentioned ceremony (see annex II), the Permanent Mission of Cuba denounced the interference caused by those preparations to the normal functioning of the Cuban diplomatic venue and to the free movement of its personnel, including hindrance of and restrictions to the normal movement and access of the Permanent Representative of Cuba to the premises of the Permanent Mission of Cuba.

Likewise, during the ceremony, officials of the Permanent Mission of Cuba warned the United States Mission to the United Nations and the New York police authorities that the high level of sound used in the ceremony was hindering the simultaneous celebration of a diplomatic activity hosted by the Permanent Mission of Cuba to the United Nations.

Regardless of all warnings, the preparations and the organization of the ceremony went on. The announced ceremony was indeed held, and the presence and the slanderous speech delivered by the Mayor of the City of New York became a political demonstration by the authorities of the City of New York which conveyed a deliberate, public and offensive message against the Government of the Republic of Cuba and its Permanent Mission to the United Nations.

That message was conveyed in the presence and with the participation of the members of the terrorist organization "Brothers to the Rescue", the members of other terrorist organizations which carry out hostile and aggressive actions against the Republic of Cuba, which for years have jeopardized and continue to jeopardize the security of the Permanent Mission of Cuba to the United Nations by resorting to offensive acts and provocations against the Cuban Mission, acts that interfere with the normal functioning of the Cuban Mission and affect the security and dignity of its staff.

The Permanent Mission of Cuba to the United Nations reiterates its condemnation and brings to the attention of the United States Mission to the United Nations the fact that the decision adopted and implemented by the authorities of the City of New York, in addition to representing an escalation of the political, economic and every other conceivable kind of pressure exerted on Cuba by the Government of the United States, constitutes an inadmissible violation of, and a failure on the part of these authorities to comply with the obligations which the United States of America assumed in its capacity as host country of the United Nations, a position that demands the adoption of consequent behaviour and the maintenance, aside from political motivations of any sort, of civic ethics by the authorities of the host country in its

relations with all permanent missions accredited to this multilateral Organization.

Likewise, the Permanent Mission of Cuba to the United Nations wishes to call the attention of the United States Mission to the United Nations to the fact that the site chosen to place the plaque reading "Esquina Hermanos al Rescate" is located within the security area of the Permanent Mission of Cuba to the United Nations, which further interferes with the normal functioning and security of the building of the Cuban Mission and its staff.

The Permanent Mission of Cuba to the United Nations considers that the plaque placed at the intersection of Lexington Avenue and 38th Street is not in any way an appropriate and necessary signal for the circulation of vehicles or pedestrians. Neither is it a harmless signal for the security of the Permanent Mission of Cuba and of its personnel. The placement of the plaque within the security area which surrounds the building of the Cuban Mission, a property of the Government of the Republic of Cuba, far from reinforcing the special character that this security area should have, emphasizes unsafe conditions which impede the free movement of Cuban diplomats, in particular between the premises of the Cuban Mission and the Headquarters of the United Nations. It is up to the host country authorities to ensure and guarantee this privilege in accordance with the relevant provisions contained in the Headquarters Agreement.

The placement of the above-mentioned plaque within the security area of the Permanent Mission of Cuba to the United Nations further increases the security risks for the normal functioning of the Cuban Mission and the safety of its personnel, since it offers new and more favourable conditions for the occurrence of actions against the Permanent Mission of Cuba, this time by creating a new potential focal point for conflicts and provocations less than two metres away from the façade of the building of the Permanent Mission of Cuba.

With this offensive and deliberate act against the Republic of Cuba and against its Permanent Mission to the United Nations, the Mayor of the City of New York has ignored the assertions and commitments made by the United States Mission to the United Nations aimed at establishing specific zones for so-called "demonstrations" against the Permanent Mission of Cuba and at adopting measures to prevent further incidents, as officially and publicly declared by its representatives on several occasions before the Committee on Relations with the Host Country, at a time when serious incidents did occur.

Thus, the foreseeable consequences ensuing from any attempt by those organizations and individuals to turn that location, officially enshrined by Mr. Rudolph Giuliani, into a sanctuary or memorial for demonstrations or terrorist activities, will be the sole and absolute responsibility of the authorities of the host country. In the event of this or any other action, the Permanent Mission of Cuba to the United Nations, as has become customary, will continue to adopt all necessary and sufficient measures to protect the integrity and security of its facilities, the normal performance of its functions and the security and dignity of its diplomats.

The Permanent Mission of Cuba to the United Nations deplores that the United States Mission to the United Nations, depositary and guarantor of the

obligations assumed by the United States in its capacity as host country of the United Nations, has not guaranteed the adoption by the authorities of the City of New York of respectful behaviour with regard to all international obligations assumed by its own country and Government and the most elemental norms governing civic ethics and the relations of respect that should rule international relations.

The consequences that have ensued or may ensue from the decision of the authorities of the City of New York to promote impunity and encourage actions of terrorist organizations against the Republic of Cuba, against its Permanent Mission to the United Nations and against the normal functioning of the United Nations are and will be the sole and absolute responsibility of the authorities of the United States of America.